

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT M. FENENBOCK,

Petitioner, No. CIV S-97-1731 LKK DAD P

vs.

DIRECTOR OF DEPARTMENT OF  
CORRECTIONS,

Respondent. ORDER

Petitioner, a state prisoner proceeding by counsel, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On September 11, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Pursuant to extensions of time granted by the magistrate judge, petitioner has timely filed objections to the findings and recommendations, and respondent has timely filed a reply.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire ////

1 file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed September 11, 2006, are adopted in  
5 full; and

6 2. Respondent's August 4, 2005 motion to dismiss is granted with leave to file a  
7 second petition alleging the claims alleged in petitioner's first amended petition as Claims 1, 2,  
8 3, 6, 7, and 8, along with a cumulative error claim grounded solely on the prejudicial effect of  
9 the errors alleged in those six claims.

10 DATED: July 6, 2007.

11   
12 LAWRENCE K. KARLTON  
13 SENIOR JUDGE  
14 UNITED STATES DISTRICT COURT